

# Exhibit H

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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SCANVINSKI JEROME HYMES,

Plaintiff,

vs.

Case No. 3:16-cv-04288-JSC

MILTON BLISS; VICTOR M.  
SANCHEZ, JOSEPH A. LEONARDINI;  
SCOTT NEU; EUGENE A. JONES;  
PAUL TIMPANO; PIERRE A. GRAY,

Defendants.

\_\_\_\_\_ /

THE VIDEOTAPED DEPOSITION OF OFFICER PIERRE A. GRAY

Thursday, August 16, 2018

Reported by: Patricia Rosinski, CSR #4555

CLARK REPORTING & VIDEO CONFERENCING  
2140 Shattuck, Suite 407  
Berkeley, California 94704  
(510) 486.0700  
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A P P E A R A N C E S

FOR THE PLAINTIFF:

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- and -

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FOR THE DEFENDANTS:

CITY AND COUNTY OF SAN FRANCISCO  
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And there also being present:

Steve Zavattero, Legal Videographer

---oOo---

1           A.     I responded to the EOC, and he told me to  
2     suit up, and we were going to extract Mr. Hymes.

3           Q.     Did he give a reason that you were going to  
4     extract Mr. Hymes?

10:31AM   5           A.     I don't remember the reason.

6           Q.     Do you remember if he gave you a reason?

7           A.     I don't. Not off the top of my head, no.

8           Q.     So you don't remember if he gave you a  
9     reason, and you don't remember what that reason was  
10:32AM   10     if he gave it?

11                   MS. ROSENBLIT: Objection. Asked and  
12     answered. Compound.

13                   You can still answer.

14                   THE WITNESS: Okay.

10:32AM   15                   So he did give a reason. I don't remember  
16     what the reason was. Is that better?

17                   MS. HENRY: Thank you.

18                   THE WITNESS: Uh-hum.

19                   MS. HENRY: Q. And after he told you to  
10:32AM   20     suit up and that you were going to extract  
21     Mr. Hymes, what happened next?

22           A.     During suiting up, he gave us a briefing.

23           Q.     And what did Sergeant Bliss say during the  
24     briefing?

10:32AM   25           A.     He read what classification told him about

1 Mr. Hymes.

2 Q. What did he say about that?

3 A. He said, "According to classification,  
4 Mr. Hymes likes bait the deputies in to S.O.R.T. and  
10:33AM 5 extract him from a cell, and while he's being moved  
6 to somewhere else, he likes to kick out the  
7 deputies', or whoever is escorting him, knees from  
8 the side. So watch yourself. Be aware."

9 Q. And after Sergeant Bliss said that, what  
10:33AM 10 happened next?

11 A. I believe he told us our assignments.

12 Q. And what were the assignments?

13 A. I know my assignment. I can't speak for  
14 everyone else.

10:33AM 15 My assignment was the shield. I was  
16 Number 1. Behind me was Deputy Neu. After that, I  
17 don't know how it went all the way back.

18 Q. And what was Neu's assignment?

19 A. I believe Neu would be arm.

10:34AM 20 Q. Which arm?

21 A. I believe right.

22 Q. And you don't know who was assigned what  
23 role beyond --

24 A. No.

10:34AM 25 Q. -- the right arm and the shield?

1 Counsel, if you agree, he's demonstrating that he --  
2 crossed the ankles?

3 THE WITNESS: Yes.

4 MS. ROSENBLIT: Is that right?

11:35AM

5 THE WITNESS: Yes, crossed the ankles.

6 MS. HENRY: I'd like to mark this as an  
7 exhibit, please, Exhibit 1.

8 (Whereupon, Plaintiff's Exhibit 1 was  
9 marked for identification and is attached  
10 hereto.)

11:35AM

11 MS. HENRY: Q. So before you controlled  
12 his legs, did he do anything you would consider  
13 trying to fight?

14 MS. ROSENBLIT: Objection. Vague.

11:36AM

15 THE WITNESS: Yes.

16 MS. HENRY: Q. Please describe that.

17 A. Just thrashing around on the floor. I  
18 wouldn't say -- I don't know if he was trying to  
19 keep them from grabbing on him or what, but he was  
20 just thrashing around on the floor when we first  
21 went down.

11:36AM

22 Q. So in terms of thrashing, does that mean --  
23 I see on the video you're moving your shoulders back  
24 and forth.

11:36AM

25 A. Right.

1 Q. Can you describe for the written record  
2 what "thrashing" means?

3 A. Moving shoulders -- shoulders back and  
4 forth, like you said, trying to get up.

11:36AM 5 Q. Trying to stand?

6 A. Or trying to knee up, get up. Trying to  
7 get off the floor.

8 Q. And was anyone else touching him at the  
9 time he was trying to get to his knees or stand?

11:37AM 10 A. I believe everyone was trying to get ahold  
11 of their assigned positions. So people were trying  
12 to get ahold of his arms. People -- I was trying to  
13 get ahold of his legs. And once I did that, you  
14 know, a lot of the thrashing stopped because he  
11:37AM 15 couldn't move back and forth.

16 Q. So before you got ahold of his legs, did he  
17 do anything other than moving his shoulders back and  
18 forth?

19 A. Well, he -- like I said earlier, prior to  
11:37AM 20 this question, he was laying on his side and turned  
21 over with his own momentum trying to get up.

22 Q. And anything other than turning from his  
23 side and moving his shoulders back and forth before  
24 you --

11:37AM 25 A. Kicking.

1 Q. Can you describe the kicks?

2 A. Well, you know, just more so trying to get  
3 momentum with his legs.

4 Q. So he was kicking to gain momentum with his  
5 legs.

11:37AM

6 How close together were his legs shackled  
7 at the time?

8 A. I'm not sure. Maybe, what, 24 inches?  
9 2 feet?

11:38AM

10 Q. So he would have been able to move his legs  
11 independently?

12 A. Yes.

13 Q. And was he moving his legs independently?

14 A. Yes.

11:38AM

15 Q. And was he moving his legs independently  
16 when he moved to his stomach?

17 A. Yes.

18 Q. And did any other deputies try to turn him  
19 to gain control at that time?

11:38AM

20 MS. ROSENBLIT: Objection. May call for  
21 speculation.

22 THE WITNESS: I don't know.

23 MS. HENRY: Q. Did you see any deputies  
24 trying to turn him to gain control?

11:39AM

25 A. No. I was focused on the legs.



1 A. Yes.

2 Q. And the numbers, Team Number 1 through 4 or  
3 5?

4 A. Yes.

02:30PM

5 Q. Was there also conversation about what  
6 weapons would be -- I don't want to say "use," but  
7 available and present?

8 A. Yes.

02:30PM

9 Q. And was there a conversation about which  
10 deputy or deputies would be holding the weapons?

11 A. Yes.

12 Q. Was there also conversation about risk  
13 factors of Mr. Hymes?

14 A. Yes.

02:30PM

15 Q. And a plan for the extraction?

16 A. Yes.

17 Q. And what was the plan for the extraction?

18 A. The plan was to go in, subdue, and extract.

19 Q. Thank you.

02:31PM

20 Switching gears for a moment, on the  
21 morning of July 24th, 2014, did you attend a muster?

22 A. Yes.

23 Q. What is "muster"?

24 A. "Muster" is a briefing for the oncoming

02:31PM

25 staff of events that went on the prior watch and the

1 watch before that.

2 Q. At the muster on the morning of July 24th,  
3 2014, did you receive any information about  
4 Scanvinski Hymes?

02:31PM

5 A. Yes.

6 Q. What did you learn?

7 A. That he had been yelling obscenities all  
8 night long. He had been talking about every deputy  
9 back there and trying to bait them into doing, I  
10 guess, stuff to them, and basically that Mr. Hymes  
11 was a very sophisticated in- -- inmate.

02:31PM

12 Q. Did you learn anything else?

13 A. I think, there, we were briefed on the fact  
14 that he likes to be extracted, and he likes to  
15 injure people when -- when he is extracted.

02:32PM

16 Q. Did you learn any information about how he  
17 likes to injure people?

18 A. Yes. He likes to kick out -- after the  
19 extract, while he's walking and everyone is okay, he  
20 likes to kick people's knees from the side. End  
21 their careers, we were told.

02:32PM

22 Q. What do you mean "end their careers"?

23 A. Well, breaking their knees so that  
24 they're -- they can't come back to work. You know,  
25 injury that might retire them out.

02:32PM

1 Q. Did you learn that Mr. Hymes had done this  
2 previously?

3 A. Yes, in CDC.

02:32PM

4 Q. Do you recall if you learned anything about  
5 his CDC points?

6 A. No.

7 Q. Is there anything else that you learned  
8 about Mr. Hymes at muster that you can remember as  
9 you sit here today?

02:33PM

10 A. No, just those things.

11 Q. And, then, we already discussed this  
12 morning what you learned at the briefing prior to  
13 the S.O.R.T. extraction.

02:33PM

14 A. Correct. It was along the same lines of  
15 information.

16 Q. Are there any other times in which you  
17 learned information about Mr. Hymes prior to the  
18 S.O.R.T.?

19 A. No.

02:33PM

20 MS. ROSENBLIT: That's all I have.

21 MS. HENRY: That's it.

22 THE VIDEOGRAPHER: Here marks the end of  
23 Disc Number 2 in the dep- -- in the deposition of  
24 Pierre A. Gray. The original videos will be  
25 retained by Eureka Street Legal Video.

02:33PM

1 REPORTER'S CERTIFICATE

2 STATE OF CALIFORNIA )  
3 ) ss.  
4 COUNTY OF MARIN )

5 I, PATRICIA ROSINSKI, hereby certify:

6 That I am a Certified Shorthand Reporter in  
7 the State of California. That prior to being  
8 examined, OFFICER PIERRE A. GRAY, the witness named  
9 in the foregoing deposition, was by me duly sworn to  
10 testify the truth, the whole truth, and nothing but  
11 the truth; That said deposition was taken pursuant  
12 to Notice of Deposition and agreement between the  
13 parties at the time and place therein set forth and  
14 was taken down by me in stenotype and thereafter  
15 transcribed by me by computer and that the  
16 deposition is a true record of the testimony given  
17 by the witness.

18 I further certify that I am neither counsel  
19 for either, nor related in any way to any party to  
20 said action, nor otherwise interested in the result  
21 or outcome thereof.

22 Pursuant to Federal Rules of Civil Procedure,  
23 Rule 30(e), review of the transcript was not requested  
24 before the completion of the deposition.

25 \_\_\_\_\_  
PATRICIA ROSINSKI, CSR No. 4555

19th day of August, 2018